
Manitoba



Annual Report 1988 and 1989

The Manitoba Labour Management Review Committee

January 1, 1988 — December 31, 1989

THE MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE

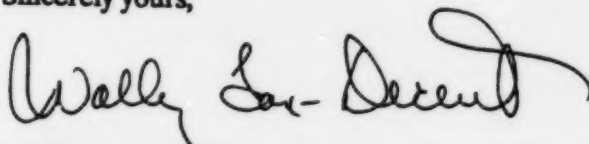
The Honourable Darren Praznik
Minister of Labour
Province of Manitoba
Room 156 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Mr. Praznik:

On behalf of the Manitoba Labour Management Review Committee, I have the honour to submit to you the Committee's Report for the two year period ending December 31, 1989.

The Committee hopes the report will be informative and useful to members of the Legislative Assembly.

Sincerely yours,



Wally Fox-Decent
Chairperson



92-03759/

**ANNUAL REPORT
OF
THE MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE
JANUARY 1, 1988 TO DECEMBER 31, 1989**

ORIGIN AND BACKGROUND

The Manitoba Labour Management Review Committee is commissioned to undertake a continuing and comprehensive review of labour legislation and labour-management relations in the Province.

This joint Committee, with equal representation from labour and management, came into being as the culmination of a process which began in 1963. Several joint labour-management seminars were held over a 12-month period which were designed to examine the main aspects of industrial relations in Manitoba. Labour and management representatives attended these sessions, and a consensus developed that the establishment of a permanent Committee representing both parties would make a valuable contribution to labour-management relations. In the Speech from the Throne of February, 1964, the government forecast action on this matter. Two months later the Committee was established and its existence was unanimously approved by a resolution of the Legislature.

PURPOSE

The joint Committee was designed to fulfill a twofold purpose. First, it was charged with the specific responsibility of reviewing labour legislation as embodied in various Acts of the Manitoba Legislature. The second purpose was to undertake, at the Committee's own discretion, a far reaching examination of common problems. There was no thought that these problems would necessarily be solved, but rather discussion would lead labour and management to a better understanding of each other's point of view. Ultimately, such an undertaking might lead to an intangible, but virtually important improvement, in labour relations within the Province. There is agreement progress has been made on both fronts.

STATEMENT OF PRINCIPLES

The principles which have guided the Committee in attempting to fulfill its purposes, adopted early in the Committee's history are as follows:

That labour members have the obligation to look after the labour interests; that management members have the obligation to look after management interests; that each member should be prepared to cooperate with the Chairman and other members of the Committee and should have a sense of responsibility to the process itself, an attitude of integrity and good faith; that each member should approach the work with the intention of giving it honest support and effort, with the flexibility of mind and patience, avoiding prejudging; listening and evaluating carefully, in an attempt to understand the position of others and;

That within the framework of the foregoing, the Committee should give recognition to the importance of legislation which protects fundamental rights and freedoms of employees, employers, unions and employer's associations, and enforcement provisions designed to induce appropriate patterns of behavior in labour relations.

MEMBERSHIP AND METHOD OF OPERATION

The Committee functions at various levels and through the operation of several groups.

From its inception until 1975, the membership of the Committee consisted of a Chairperson, a Vice-Chairperson and an equal number of labour and management members, nominated by several sponsoring groups. The Manitoba Federation of Labour was asked to name 12 labour representatives to the Committee. Organizations representative of management - The Canadian Manufacturers' Association, The Chamber of Commerce, the Mining Association of Manitoba Incorporated, and the Winnipeg Construction Association (Winnipeg Builders' Exchange) were asked jointly to name 12 members. In 1975, the Committee's membership was more than doubled to include

representatives of employees and employers in various public service areas of the Province, including the Provincial civil service, Crown corporations health care facilities, public schools, universities and municipal government, including fire and police services. The expanded Committee also included representatives of agencies such as the Civil Service Commission, the Universities Grants Commission, and the Manitoba Health Services Commission which are representative neither of the employer nor the employee side, but nonetheless are interested in labour-management relations and the collective bargaining process in the public sector. The sponsoring groups are asked periodically to review their membership on the Committee and to name replacements as required. Nominations for membership on the Committee are submitted to the Minister of Labour for endorsement before informing the nominees of their formal appointment.

Meetings of the whole Committee are held at the discretion of the members.

Until September of 1982, a Sub-Committee, consisting of six labour and six management members equally representative of both the private and public sectors, existed to facilitate discussion of matters in detail and to plan the Committee's work within the guidelines established by the Committee as a whole. This group met more frequently and reported its recommendations to the whole Committee, for approval, rejection, or amendment.

The Committee also operated through two panels - one consisting of all the private sector labour and management members, the other of all representatives from the public services and agencies. The intent was to enable members to concentrate on their special areas of interest. Recommendations from either of these panels were reviewed by the Sub-Committee and were subject to final consideration by the whole Committee.

Following a review by the Sub-Committee of the existing Committee structure in 1980, two main objectives materialized: to reduce the unwieldy size of the Committee, while retaining its broad representative structure; and to simplify the structure itself.

In mid 1982, the Sub-Committee approved and forwarded to the Minister of Labour, a proposal providing for eleven sectors, with ten specific industrial sectors and one sector representing labour and management-at-large. Labour and management from each sector were asked to provide a nominee to the main Committee, for a total of twenty-two members.

Representation for these eleven sectors - Provincial Public Service, Schools, Labour and Management-At-Large, Mining and Processing, Manufacturing, Health, Construction, Municipal Public Service, Trade and Service, Utilities, and Universities - have since been nominated and appointed.

In 1987, the Committee was expanded to include a labour and management representative from a newly designated sector - Light Manufacturing. Labour and management representatives were nominated and appointed for this new sector.

The Committee has felt since its inception that, in general, free and frank discussions would be assisted if meetings were held in camera.

The minutes of the meetings and the report of working groups are therefore confidential to members of the Committee and no members are named in the proceedings. Formal communication with the government or outside groups is carried on at the discretion of the members.

From time to time the Committee decides to examine issues of broad interest to labour and management and therefore organizes seminars or conferences to which other interested individuals and groups are invited. The proceedings of these conferences are published when they are felt to be of lasting value and of interest to a wide readership.

The Committee is assisted in its work by the research facilities of Manitoba Labour. A staff person of Manitoba Labour also functions as the Committee's secretariat. In addition, the Department provides financial support for

Committee conferences and for engaging outside experts to prepare studies or to address the Committee to assist it in gaining knowledge and perspective on particular problems.

When the Committee arrives at a decision, with majority support from each side, the recommendations for action are then forwarded to the government or the appropriate body. Such recommendations may or may not be made public at the Committee's discretion.

Labour and management members serve voluntarily on the Committee without remuneration for the time they devote to its work.

COMMITTEE ACTIVITIES - 1988 and 1989

The Committee met with the Minister and Deputy Minister of Labour a number of times and discussed various issues of concern. Based on concerns the Committee has on the role of the LMRC and the need for greater communication between the department and the Committee, it was announced that Manitoba Labour would set up a one day seminar to discuss this and other issues. The Committee undertook and completed a number of projects in 1988 and 1989. Among those were:

1. Training of Arbitrators

The Training of Arbitrator Pilot Program began in February of 1988 and was well received by the 10 participants. Throughout the summer of 1988, the students were involved in the internship phase of the program whereby mock arbitration awards were written..

The awards were evaluated by a committee of labour management practitioners. The final one day seminar was held in 1989 with eight individuals successfully completing the training. The sub-committee for the training of arbitrators submitted a final report to the LMRC and unanimously made the following recommendations:

- * That the Labour Management Review Committee advise the larger labour relations community that eight individuals have successfully completed a Training of Arbitrators Program composed of both theoretical and procedural instruction, as well as having served an "apprenticeship" which involved attending and writing awards on a number of arbitrations, and that they have the unanimous confidence of both the labour and management representatives on the Committee in their ability to act as arbitrators.
- * That the Labour Management Review Committee forward the names of the eight trained arbitrators to the Manitoba Labour Board with the recommendation that they be placed on the Board's rotating list of arbitrators. The Board should be informed of the program that they have gone through and the confidence that labour and management representatives of the LMRC have in their abilities to act as arbitrators.
- * That the Labour Management Review Committee enter into consultation with the Manitoba Labour Board with a view to developing a criteria and procedure to review the performance and acceptability of arbitrators on the Board's rotating list.

2. Pay Equity - Sub-Committee

The sub-committee on pay equity met numerous times and were unable to reach agreement on any issues relating to pay equity. Labour and management each submitted their own report. These reports were forwarded to the Minister of Labour.

3. Unjust Dismissal - Sub-Committee

The sub-committee on unjust dismissal was unable to reach a consensus on how to proceed with the report submitted to the main committee. It was decided that the report be kept internal and would not be passed to the Minister of Labour.

4. Transportation of Employees - Sub-Committee

A sub-committee was established to review Section 10 of Manitoba Regulation 187/87R under the Employment Standards Act. This regulation known as the "Transportation Home Regulation" requires employers to provide free transportation to employees who either finish or start their work shift between the hours of midnight and 6:00 a.m. The employer is required to provide this transportation between the employee's residence and his/her place of work. Previously, the regulation provided protection to female employees but was amended in 1987 to include all employees. Questions arose as to potential abuse of the regulation and a sub-committee was established at the request of the Minister of Labour.

The sub-committee produced two minority reports but were able to reach consensus on the following three points:

- That the requirement to provide transportation should be limited to the boundaries of the city or the town, as the case may be.
- That police officers be exempted from coverage under the regulation.
- That the regulation allow the employer to provide safe transportation to, or from, a point close to the employee's home.

APPENDIX A

COMMITTEE MEMBERSHIP

AND

SUB-COMMITTEE MEMBERSHIP

COMMITTEE MEMBERSHIP

1988 and 1989

SECTOR

MANAGEMENT

Paul Hart	Provincial Public Services
Ray Whiteway	Schools
	Labour/Management-at-Large
Winton Newman	Mining and Processing
David Negus	Manufacturing
Gary Steiman	Light Manufacturing
Doug Machan	Health
Lloyd Simmons	Construction
Rick Boyd	Municipal Public Service
John Read	Trade and Service
Al Macatavish	Utilities
Ken Poole	Universities

LABOUR

John Pullen
Wally Pindera
Wilf Hudson
Eugene Laye
Bill Haiko
Irene Giesbrecht
Leo Desilets
Charles Carlson
Bernard Christophe
Bob Sproule
Neil Tudiver

Chairperson
Vice-Chairperson
Secretary
Government Representative

G. Campbell MacLean
John Atwell
Dave Dyson
Tom Bleasdale

ARBITRATION ADVISORY COMMITTEE

LABOUR

Wally Pindera
Wilf Hudson
John Pullen

MANAGEMENT

Doug Machan
Ray Whiteway

Chairperson
Ex-Officio
Government
Secretary
Program Coordinator

Jack Chapman
John Atwell
Tom Bleasdale
Dave Dyson
Gari Whelon

SUB-COMMITTEE - NEW MECHANISMS FOR GREATER
LABOUR-MANAGEMENT COOPERATION

LABOUR

Irene Giesbrecht
Wilf Hudson

MANAGEMENT

Rod Leduc
John Shields
Dale Powell
Doug Machan
Al Macatavish

Coordinator

Jim Davage

SUB-COMMITTEE - PROTECTION FROM UNJUST DISMISSAL

LABOUR

Leo Desilets
Wally Pindera

MANAGEMENT

Ray Whiteway
Terry Cooper
Eric Nernberg

Coordinator

Dewey Merrett

SUB-COMMITTEE - FINAL OFFER SELECTION

LABOUR

Wilf Hudson
Bernard Christophe

MANAGEMENT

Don Sheehan
Denis Sutton
Barry Letters
Winton Newman

Coordinator

Tom Beggs

SUB-COMMITTEE - PAY EQUITY

LABOUR

Keith Norton
Eugene Laye

MANAGEMENT

Darlene Hildebrandt
Joe Norwich
David Newman
Rick Boyd
Daniele Chartier

Coordinator

Norm Pound

SUB-COMMITTEE - PLANT CLOSURE

LABOUR

Eugene Laye
Chris Monk

MANAGEMENT

Bill Gardner Jr.
Dan Quesnell
Dave Negus

Coordinator

Jim Murdock

SUB-COMMITTEE - CONSTRUCTION

Labour

Leo Desilets
William Iverson
G. Dobbie
Jerry Bentley
Art Cameron

Management

Robert Glass
Maurice Steel
Paul Herriot
H. Rattal
Cliff Olson
Lloyd Simmons

G. Campbell MacLean
John Atwell
Tom Bleasdale
Michael Dziewit

HOSPITAL SECTOR WORKING PARTY

- for Essential Service Agreement

LABOUR

Peter Olfert
Clive Derham
Irene Giesbrecht
George Smith

MANAGEMENT

Ron Birt
Tony Quaglia
Rod Thorfinnson
Ted Bartman

Chairperson

G. Campbell MacLean

Vice-Chairperson

John Atwell